

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

IN RE:

TERRY WAYNE BEST JR
BRANDY LEIGH BEST
311 HINSON ST
HOHENWALD, TN 38462

SSN XXX-XX-0101

SSN XXX-XX-6213

10-05340-GP1-13

JUDGE GEORGE C PAINE

Date: 10/07/10

THE DEADLINE FOR FILING A TIMELY RESPONSE IS 10/30/10.

IF A RESPONSE IS TIMELY FILED THE HEARING DATE WILL BE: 12/03/10 AT 9:00 AM U.S. POST OFFICE BUILDING ,COLUMBIA, TN , 38401.

**TRUSTEE'S NOTICE AND MOTION TO MODIFY CHAPTER 13 PLAN
TO MODIFY OR ADD CONTINUING PAYMENT**

Henry E. Hildebrand, III, Chapter 13 Trustee, has asked the court for the following relief: **TRUSTEE'S NOTICE AND MOTION TO MODIFY CHAPTER 13 PLAN TO MODIFY OR ADD CONTINUING PAYMENT. YOUR RIGHTS MAY BE AFFECTED.** If you do not want the court to grant the attached motion or if you want the court to consider your views on the motion, then on or before **10/30/10** you or your attorney must:

1. File with the court your response or objection explaining your position. **PLEASE NOTE: THE BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF TENNESSEE IS A MANDATORY ELECTRONIC CASE FILING COURT. ANY RESPONSE OR OBJECTION YOU WISH TO FILE MUST BE SUBMITTED ELECTRONICALLY. TO FILE ELECTRONICALLY, YOU OR YOUR ATTORNEY MUST GO TO THE COURT WEBSITE AND FOLLOW THE INSTRUCTIONS AT: <https://ecf.tnmb.uscourts.gov>.**

If you need assistance with Electronic Case Filing you may call the Bankruptcy Court at (615)736-5584. The Bankruptcy Court may be visited in person at: US Bankruptcy Court, 701 Broadway, 1st Floor, Nashville, TN (Monday - Friday, 8:00 A.M.- 4:00 P.M.).

2. **Your response must state that the deadline for filing response is 10/30/10, the date of the scheduled hearing is 12/03/10 and the motion to which you are responding is the TRUSTEE'S NOTICE AND MOTION TO MODIFY CHAPTER 13 PLAN TO MODIFY OR ADD CONTINUING PAYMENT.**

3. You must serve your response or objection on the movant's attorney **by electronic service through the Electronic Case Filing system** described above. You must also mail a copy of your response or objection to:
TERRY WAYNE BEST JR & BRANDY LEIGH BEST 311 HINSON ST, HOHENWALD, TN 38462

ATTORNEY FOR THE DEBTOR:

J ROBERT HARLAN P O BOX 949, , COLUMBIA, TN 38402

CHAPTER 13 TRUSTEE P O BOX 190664, NASHVILLE TN 37219-0664

UNITED STATES TRUSTEE CUSTOMS HOUSE, ROOM 318, NASHVILLE TN 37203

EVERHOME MORTGAGE COMPANY 8100 NATIONS WAY, JACKSONVILLE, FL 32256

SHAPIRO AND KIRSCH LLP 6055 PRIMACY PARKWAY, SUITE 410, MEMPHIS, TN 38119

If a response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by calling the Clerk's office at 615-736-5584. If you received this notice by mail, you may have three additional days in which to file a timely response under Rule 9006(f) of the Federal Rules of Bankruptcy Procedure.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order

/s/ Henry E. Hildebrand, III

HENRY E. HILDEBRAND, III

CHAPTER 13 TRUSTEE

P O BOX 190664

NASHVILLE, TN 37219-0664

PHONE: 615-244-1101

FAX: 615-242-3241

pleadings@ch13nsh.com

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

IN RE:

TERRY WAYNE BEST JR
BRANDY LEIGH BEST
311 HINSON ST
HOHENWALD, TN 38462

CASE NO. 10-05340-GP1-13

SSN XXX-XX-0101

SSN XXX-XX-6213

10/07/2010

**TRUSTEE'S MOTION TO MODIFY CHAPTER 13 PLAN
TO MODIFY OR ADD CONTINUING PAYMENT**

HENRY E. HILDEBRAND, III, Standing Trustee for Chapter 13 matters in the Middle District of Tennessee, moves this court to modify the plan previously confirmed in the above-styled case pursuant to 11 U.S.C. §1329. In support of this motion, the Trustee would state that he has received a communication from a creditor being treated as a continuing claim. Based on the claim and supporting documentation, the monthly payment must either increase or now be paid by the Trustee's office, in lieu of prior direct payment by the debtor(s).

Specifically the Trustee requests the following modification:

Payroll T. BEST JR to increase from **\$178.00 WEEKLY** to **\$189.25 WEEKLY**

The continuing **mortgage** payment made to **EVERHOME MORTGAGE COMPANY** shall increase from **\$695.99** to **\$701.32** beginning with the **6/10** disbursement.

The base shall **increase from \$92,500 to \$96,406.**

PLEASE TAKE NOTE: The granting of this motion could impact the below listed creditors in that the Trustee is seeking to cause the continuing payments to be brought current (payments between the commencement date noted in paragraph 2, above and the date of approval) before distribution to secured creditors.

CITIFINANCIAL INC at **\$227.00** per month.

/s/ Henry E. Hildebrand, III
HENRY E. HILDEBRAND, III
CHAPTER 13 TRUSTEE
P O BOX 190664
NASHVILLE, TN 37219-0664
PHONE: 615-244-1101
FAX: 615-242-3241
pleadings@ch13nsh.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served on TERRY WAYNE BEST JR & BRANDY LEIGH BEST, 311 Hinson St, Hohenwald, TN 38462 and J ROBERT HARLAN, P O BOX 949, , COLUMBIA, TN 38402; to all affected creditors and to Ms Beth R Derrick, Assistant US Trustee, 313 Customs House, 701 Broadway, Nashville Tn, 37203, on 10/08/10.

/s/ Henry E. Hildebrand, III
HENRY E. HILDEBRAND, III
Chapter 13 Trustee

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

IN RE: CASE NO. 10-05340-GP1-13

TERRY WAYNE BEST JR
BRANDY LEIGH BEST
311 HINSON ST
HOHENWALD, TN 38462

SSN XXX-XX-0101

SSN XXX-XX-6213

10/07/2010

**ORDER TO MODIFY CHAPTER 13 PLAN
TO MODIFY OR ADD CONTINUING PAYMENT**

It appearing to the Court that the Trustee has filed a Motion to Modify plan pursuant to Rule 9013-1 of the local rules of Bankruptcy Court for the Middle District of Tennessee and that no objections thereto have been timely filed so that the Trustees Motion should be granted as requested. It is therefore ordered that the Debtor(s) plan shall be amended as follows:

Payroll T. BEST JR to increase from **\$178.00 WEEKLY** to **\$189.25 WEEKLY**

The continuing **mortgage** payment made to **EVERHOME MORTGAGE COMPANY** shall increase from **\$695.99 to \$701.32** beginning with the **6/10** disbursement.

The base shall **increase from \$92,500 to \$96,406.**

PLEASE TAKE NOTE: The granting of this motion could impact the below listed creditors in that the Trustee is seeking to cause the continuing payments to be brought current (payments between the commencement date noted in paragraph 2, above and the date of approval) before distribution to secured creditors.

Impacted creditors are:

CITIFINANCIAL INC at **\$227.00** per month.

APPROVED FOR ENTRY:

/s/ Henry E. Hildebrand, III
HENRY E. HILDEBRAND, III
CHAPTER 13 TRUSTEE
P O BOX 190664
NASHVILLE, TN 37219-0664
PHONE: 615-244-1101
FAX: 615-242-3241
pleadings@ch13nsh.com

THIS ORDER WAS SIGNED AND ENTERED
ELECTRONICALLY AS INDICATED AT THE TOP
OF THE FIRST PAGE.